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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,510	09/16/2003	Gantetsu Matsui	82478-0500	1865
21611	7590	06/30/2005	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			PEACHES, RANDY	
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			2686	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,510	Applicant(s) GANTETSU MATSUI	
	Examiner Randy Peaches	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/16/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-10, 12-13 and 15*** are rejected under 35 U.S.C. 102(e) as being anticipated by Ereksen (U.S. Patent Number 6,622,018 B1).

Regarding ***claims 1 and 15***, Ereksen discloses PDA (100), which reads on claimed "remote control device," that controls any of a plurality of apparatuses by transmitting a wireless control signal, which reads on claimed "remote control signal," for controlling a remote device in response to a user operation, comprising 9see column 2 lines 9-16 lines 58-67):

- a self-position detecting unit operable to detect a position, wherein a "position" is interpreted to be an area, of the remote control device and generate self-position information indicating the position. See column 7 lines 48-67 and column 8 lines 25-41;
- an apparatus specifying unit operable to specify one of the apparatuses as the remote device, which reads on claimed "target apparatus," based on the

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generated self-position information and a predetermined criterion. See column 5 lines 5-36;

- a control operation detecting unit operable to detect a user operation. Column 4 lines 25-41 and column 9 lines 8-17; and
- a transmitting unit operable to transmit a said wireless control signal corresponding to the detected user operation. See column 7 lines 48-63.

Regarding **claim 2**, according to **claim 1**, Erektion further discloses wherein a said PDA (100) comprises:

- an apparatus position obtaining unit operable to obtain apparatus position information indicating positions of the apparatuses, wherein (see column 8 lines 25-41)
- the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on the obtained apparatus position information. See column 5 lines 5-36, and
- the predetermined criterion is a positional relation between the remote control device and each of the apparatuses. See column 5 lines 1-20.

Regarding **claim 3**, according to **claim 2**, Erektion further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information

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and the generated self-position information with the usage of Bluetooth technology.

See column 5 lines 1-20, column 7 lines 48-63 and column 8 lines 33-41.

Regarding **claim 4**, according to **claim 3**, Erektion further discloses wherein the apparatus specifying unit specifies, as the target apparatus, an apparatus that is closest in distance to the remote control device out of the apparatuses. See column 4 lines 54-62.

Regarding **claim 5**, according to **claim 3**, Erektion further discloses wherein comprising:

- a switch operation detecting unit operable to detect a user operation for switching the target apparatus, wherein (see column 6 lines 38-46)
- when the switch operation detecting unit detects the user operation for switching the target apparatus after at least one of the apparatuses has already been specified, the apparatus specifying unit newly specifies, as the target apparatus, an apparatus that is next closest in distance to the remote control device with respect to a last specified apparatus. See column 5 lines 15-36 and column 6 lines 38-64, and
- the remote control signal transmitted from the transmitting unit is for controlling the newly specified apparatus and corresponding to the user operation detected by the controlling operation detecting unit. See column 8 lines 33-41, 56-64.

Regarding **claim 6**, according to **claim 5**, Ereksen further discloses wherein comprising: an apparatus information obtaining unit operable to obtain apparatus information corresponding to an apparatus specified as the target apparatus by the apparatus specifying unit. See column 9 lines 8-17; and an image displaying unit operable to display an image, every time the apparatus specifying unit newly specifies one of the apparatuses, based on the apparatus information corresponding to the newly specified apparatus. See column 9 lines 25-40 and lines 54-67.

Regarding **claim 7**, according to **claim 6**, Ereksen further discloses wherein the apparatus information obtaining unit makes a request to the apparatus for the apparatus information of the apparatus and obtains the apparatus information from the apparatus by communicating with the apparatus specified by the apparatus specifying unit; and the transmitting unit transmits a remote control signal determined based on the obtained apparatus information corresponding to the newly specified apparatus, the remote control signal corresponding to the operation detected by the control operation detecting unit. See column 10 lines 1-10.

Regarding **claim 8**, according to **claim 5**, Ereksen further discloses wherein the switch operation detecting unit detects the user operation for switching the target apparatus by sensing a vibration stronger than a predetermined intensity. When the said user uses

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the stylus, the stroke of the said stylus determines the control specific to the controlled device. See column 6 lines 5-20.

Regarding **claim 9**, according to **claim 3**, Ereksen further discloses wherein the self-position information also indicates a facing direction of the remote control device, the facing direction corresponding to a direction in which the transmitting unit transmits the remote control signals mainly. See column 5 lines 5-36, and

- the apparatus specifying unit specifies, as the target apparatus, an apparatus that is closest in distance to the remote control device out of the apparatuses positioned in an area within a predetermined angle in the facing direction of the remote control device. See column 4 lines 54-62.

Regarding **claim 10**, according to **claim 3**, Ereksen further discloses wherein comprising:

- a record storing unit operable to store an operation history of an apparatus specified as the target apparatus by the apparatus specifying unit, when the control operation detecting unit detects the user operation. See column 5 lines 38-53, wherein
- according to the operation history stored in the record storing unit, the apparatus specifying unit specifies, as the target apparatus, one of the apparatuses whose distance to the remote control device is closer than a predetermined distance. See column 5 lines 38-53.

Regarding **claim 12**, according to **claim 2**, Erektion further discloses wherein apparatus position obtaining unit obtains the apparatus position information by receiving position information from each of the apparatuses, the position information indicating the position of the each of the apparatuses, the apparatus position information being a collection of the position information. See column 4 lines 54-62 and column 5 lines 1-36.

Regarding **claim 13**, according to **claim 1**, Erektion further discloses wherein: an apparatus information obtaining unit operable to obtain operation information corresponding to an apparatus specified as the target apparatus by the apparatus specifying unit; and a display unit operable to display an image based on the operation information. See column 8 and 9 lines 33-41, lines 8-17 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erektion (U.S. Patent Number 6,622,018 B1) in view of Larkins et al. (U.S. Patent Number 6,091,957).

Regarding **claim 14**, Erekson discloses PDA (100), which reads on claimed "remote control device," that controls any of a plurality of apparatuses by transmitting a wireless control signal, which reads on claimed "remote control signal," for controlling a remote device in response to a user operation, comprising 9see column 2 lines 9-16 lines 58-67):

- a self-position detecting unit operable to detect a position, wherein a "position" is interpreted to be an area, of the remote control device and generate self-position information indicating the position. See column 7 lines 48-67 and column 8 lines 25-41;
- an apparatus specifying unit operable to specify one of the apparatuses as the remote device, which reads on claimed "target apparatus," based on the generated self-position information and a predetermined criterion. See column 5 lines 5-36;
- a control operation detecting unit operable to detect a user operation. Column 4 lines 25-41 and column 9 lines 8-17; and
- a transmitting unit operable to transmit a said wireless control signal corresponding to the detected user operation. See column 7 lines 48-63.

However Erekson fails to clearly disclose wherein the self-position obtaining unit generates the self-position information by calculating the position using a GPS function in which radiowaves from GPS satellites are utilized.

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Larkins et al. discloses in column 1 lines 51-60 and column 2 lines 43-60 wherein a location of a device is determined and graphically represented utilizing the GPS signals from an orbiting satellite.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the teachings of Erikson and Larkins et al. in order to provide a device capable of polling nearby remote device and determining the location of such by utilizing the GPS signals radiated from a GPS satellite.

3. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erikson (U.S. Patent Number 6,622,018 B1) in view of Tillgren et al. (U.S. Patent Number 6,339,706).

Regarding **claim 11**, according to **claim 3**, Erikson further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information with the usage of Bluetooth technology. See column 5 lines 1-20, column 7 lines 48-63 and column 8 lines 33-41.

However Erikson fails to clearly disclose wherein a time unit for keeping time, wherein according to the time indicated by the time unit, the apparatus specifying unit specifies, as the target apparatus, one of the apparatuses whose distance to the remote control device is closer than a predetermined distance.

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Tillgren et al. teaches in column 4 lines 48-65 of a system clock of a master device that determines the phase in the hopping sequence. Each of the respected devices have a system clock. This ensures that each of the respect device are properly aligned to the master clock

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Erekson and Tillgren et al. in order to properly align each of the respected clocks to the master device when detected as being controlled apparatus.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 27, 2005
Randy Peaches

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